

## FAX COVER SHEET

The information contained in this facsimile message, if a client of this firm is a named addressee, or the message is otherwise intended for a client, is presumptively legally privileged and confidential information. If you are not a named addressee, or if there is any reason to believe that you may have received this message in error, (1) do not read the message below; (2) do not distribute or copy this facsimile; and (3) please immediately call us collect at the number of the sender below.

RECEIVED  
CENTRAL FAX CENTER

OCT 15 2004

DORSEY

BEST AVAILABLE COPY

DATE:	October 15, 2004	TOTAL # OF PAGES: (INCLUDING THIS COVER SHEET)	/5
TO:	Mail Stop AMENDMENT Commissioner for Patents	FAX #:	(703) 872-9306
ATTN:	Examiner: Shelley M. Self Art Unit: 3725	PHONE #:	(703) 305-5299
FROM:	Victor E. Johnson	FAX #:	(415) 398-3249
PHONE #:	(415) 781-1989	EMAIL:	johnson.victor@dorsey.com

## RE:

U.S. Patent Application No. 10/759,575 for *Joinery member and fastener and process and apparatus for placement of the fastener*  
Our Docket No. A-70345-1/RBC/VEJ (Matter No. 467127-00023)

## COMMENTS:

Kindly acknowledge receipt of the following documents by return facsimile:

- 1) TRANSMITTAL;
- 2) AMENDMENT AND REPLY; and
- 3) One facsimile cover sheet.

ORIGINAL WILL BE SENT VIA:  MAIL  E-MAIL  MESSENGER  AIR COURIER  WILL NOT BE SENT

**PLEASE CONTACT PATRICIA A. DIEHL AT (415) 781-1989 IF THIS TRANSMISSION IS INCOMPLETE OR CANNOT BE READ.**

REFERENCE # 467127-00023

**RECEIVED  
CENTRAL FAX CENTER**

PATENT

**OCT 15 2004** Attorney Docket No. A-70345-1/RBC/VEJ  
Application No. 10/759,575

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

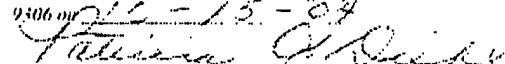
**Max W. DURNEY**

Application No. 10/759,575

Filed: January 16, 2004

For: **JOINERY MEMBER AND  
FASTENER AND PROCESS AND  
APPARATUS FOR PLACEMENT  
OF THE FASTENER**

Art Unit: **3725**Examiner: **Shelley M. Self**Docket No.: **A-70345-1/RBC/VEJ**

*Certificate of Transmission, 37 C.F.R. § 1.8(a)*  
*I hereby certify that this correspondence is being facsimile transmitted*  
*to the U.S. Patent and Trademark Office, Facsimile number (703) 372-*  
*9306 on 10/15/2004 at 12:35 PM.*  
  
*Patricia A. Diehl*

Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

Transmitted herewith is:

- 1) AMENDMENT AND REPLY; and
- 2) One fax cover sheet.

Applicant is a small entity. *See* 37 CFR § 1.27(c).

The fees have been calculated as shown below:

	Claims Remaining After Amendment	Minus	Highest Previously Paid For	Present Rate	Small Entity Rate Fee	OR	Other than a Small Entity Rate Fee
Total Claims	20	-	28	2	\$ 9 = \$18		\$ 18 = \$
Ind. Claims	4	-	7	1	\$ 43 = \$43		\$ 86 = \$
[ ] Multiple Dependent Claim Presented and Fee not Previously Paid							
					\$ 145 = \$		\$ 290 = \$
					<b>TOTAL \$68</b>		<b>TOTAL \$</b>

Total Additional Claims Fee: \$ 65.00

TRANSMITTAL

- 1 -

(1153754)

PATENT

Attorney Docket No. A-70345-1/RBC/VEJ  
Application No. 10/759,575

Extension of Time Fee: \$ N/A

Other fees: \$ N/A

TOTAL FEES: \$ 65.00

No fee is required.

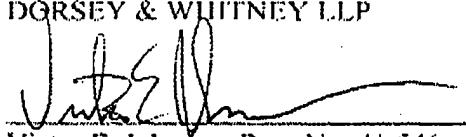
A check including the amount of the above indicated TOTAL FEES for \$ \_\_\_\_\_ is attached.

Please charge Deposit Account No. 50-2319 (Order No. 467127-00023; Docket No. A-70345-1/RBC/VEJ) in the amount of \$ 65.00.

The Commissioner is hereby authorized to charge any underpayment of the following fees associated with this communication, including any necessary fees for extension of time and for the presentation of extra claims, or credit any overpayment to Deposit Account No. 50-2319 (Order No. 467127-00023; Docket No. A-70345-1/RBC/VEJ).

Respectfully submitted,

DORSEY &amp; WHITNEY LLP

Date: 10/15/2004 By:   
Victor E. Johnson, Reg. No. 41,546  
/for/ Robert B. Chickering, Reg. No. 24,286

DORSEY & WHITNEY LLP  
Four Embarcadero Center, Suite 3400  
San Francisco, CA 94111-4187  
Telephone: (415) 781-1989 Facsimile: (415) 398-3249

TRANSMISSION

- 2 -

(0153763)

**RECEIVED**  
**CENTRAL FAX CENTER**

PATENT

**OCT 15 2004**Attorney Docket No. A-70345-1/RBC/VEJ  
Application No. 10/759,575**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

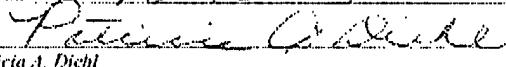
In re application of:

**Max W. DURNEY**

Application No. 10/759,575

Filed: **January 16, 2004**For: **JOINERY MEMBER AND  
FASTENER AND PROCESS AND  
APPARATUS FOR PLACEMENT  
OF THE FASTENER**Art Unit: **3725**Examiner: **Shelley M. Self**Docket No.: **A-70345-1/RBC/VEJ**

*Certificate of Transmission (37 C.F.R. § 1.8(a))*  
*I hereby certify that this correspondence is being facsimile transmitted*  
*to the U.S. Patent and Trademark Office, Facsimile number (703) 872-*  
*9300 on 10-15-04.*



Patricia A. Dichtl

Mail Stop AMENDMENT  
 Director of the U.S. Patent and Trademark Office  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

***AMENDMENT AND REPLY***

Sir:

Responsive to the Office Action of July 26, 2004, Applicant submits the following  
 Amendment and Remarks.

***AMENDMENTS***

Amendments to the Claims are reflected in the listing of claims which begins on page 2  
 of this paper. Remarks, including arguments, begin on page 9 of this paper.

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- BLACK BORDERS**
- IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- FADED TEXT OR DRAWING**
- BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- SKEWED/SLANTED IMAGES**
- COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- GRAY SCALE DOCUMENTS**
- LINES OR MARKS ON ORIGINAL DOCUMENT**
- REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- OTHER:** \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**